

We send young people to war from this branch of government. Let us not abandon them on combat pay. Let us not abandon their families as they live their lives as best they can without their loved ones, and without the salary their loved one brings to the family if they are in the Guard or Reserve.

Mr. ISRAEL. Mr. Speaker, I rise to support this motion to stop outrageous plans to cut hazard and separation pay for troops. In fact, Mr. Speaker, I think it's appalling that we would balance the budget on the backs of our troops.

It is critical that we make the increase in imminent danger pay and the family separation allowance permanent for our Armed Services and their families and make it available to everyone in imminent danger, no matter where they are serving.

In April, Congress approved a much deserved pay raise for our men and women in Iraq and Afghanistan.

This was the least we could do for those who are risking their lives to secure our freedom.

It wasn't a lot of money—increases of \$75 a month in "imminent danger pay" and \$150 a month in "family separation allowances."

In fact, this was the first raise in "imminent danger pay" in over 10 years, and the first increase in the "family separation allowance" in over 5 years.

Now, as a Member of the Armed Services Committee, I have had the privilege of spending time with military personnel on the day of their deployments.

With 500 men and women of the Marine Corp. 2nd Battalion at Plainview, NY as they left for the Middle East and said goodbye to their families with the brave men and women at the U.S. Navy and Marine Reserve Center in Amityville.

One of my most vivid memories from that day is of a Marine kissing her child and saying, "I'll be back soon."

In her eyes, I saw determination and strength and faith and courage.

Could we ever look another soldier in the eye, if we allow these increases in imminent danger pay and family separation allowance to expire?

The right thing to do is to make the increases permanent. We know that the war on terrorism will be a lengthy one. It will require a deepest commitment.

Just yesterday, another American soldier was killed and another wounded in a bomb attack on their vehicles northeast of Baghdad.

The slain soldier was the 287th U.S. service member to die in the Iraq War. Sadly, we know that he will not be the last.

In the 24 hours before the soldier's death, the Pentagon reported that there had been 14 attacks on U.S. forces. Clearly, no one can ever doubt the bravery of our forces.

They know that sacrifices are necessary in the global campaign against terror. For the first time since the Vietnam War, army personnel are facing the possibility of doing back-to-back combat tours.

To fail to make these benefits permanent is to shortchange the moral contract we have with our soldiers. This is our chance to stand with our troops at home as they fight for our freedom abroad.

Many of our servicemen are already under severe financial stress due to their extended deployment. The effect on reservists and

members of the National Guard has been particularly devastating.

Let's keep our promise to those in uniform. Vote for this motion to instruct the conferees and authorize the necessary funds to help those who are fighting for us, for our families, and our future.

Mr. EDWARDS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Texas (Mr. EDWARDS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. EDWARDS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

#### MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. DAVIS of Tennessee. Mr. Speaker, I offer a motion to instruct conferees.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. DAVIS of Tennessee moves that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

4. To the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster.

5. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not

later than the second legislative day after adoption of this motion.

The SPEAKER pro tempore. Pursuant to clause 7(b) of rule XXII, the gentleman from Tennessee (Mr. DAVIS) and the gentleman from California (Mr. THOMAS) each will control 30 minutes.

The Chair recognizes the gentleman from Tennessee (Mr. DAVIS).

Mr. DAVIS of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, sometimes we ask ourselves, why would I introduce this motion to instruct the conference committee? Seventeen other times this motion has been here on the floor. And you think, really, would it make a difference? Maybe it will not. But there are a lot of people who live in my district that hope that this one will be successful.

A few months ago, I voted for the \$80 billion bill that included families in my district that have children that really would hope that they too would get the same treatment as those who make 10 or 15,000 more than them, that make above the \$26,000 level that basically were allowed the tax credit of \$400 each. So you wonder if it has been here 17 times, what is going to be magic about the 18th time? If it takes a thousand times, it is important to people who live in the district I represent.

Recent surveys by different groups analyzed different congressional districts. The one that I represent in rural Tennessee is the fourth most rural district in America, which means when you take the folks who live inside an incorporated area and those outside, of the 435, mine is the fourth most rural district in America. I traveled that district through the August recess. I attended 92 different meetings. A lot of the folks that I met with, a lot of folks who came to open meetings that I set aside for constituents to come and visit with their Congressman, this was one of the issues that really was of great concern to them.

But when you talk about being rural, then you look at the folks who work in the district that I represent. We have the third largest base of blue collar workers of any congressional district in America working in the fourth district, somewhat over 40 percent. Generally, you would assume blue collar would be the auto industry or some other industry that would pay higher wages. Yes, we have that in the district as well, but most of the ones I am talking about are individuals who fall in the criteria of the 10 to \$26,000 bracket. They are the lower-wage income earners. They are the ones who get laid off first. They are the ones generally that their employer are not able to provide a health care policy for them.

Many of those had high hopes as they saw us go through this process. There were times that I would be back in the district and they would say, why don't Democrats support a tax cut? What's the problem? Then when I explained to

them what happened, they are saying, you left us out. You left us out of at least that opportunity to share in a tax cut that went to other folks. Some folks will say, you don't get a tax cut. This is a tax credit for people who work every day, every day, that earns a check, that owns a home, has an automobile, pays almost 40 cents a gallon on gasoline when they drive to work.

I have a nephew who works at a factory in Crossville, Tennessee, in the district that I represent. He married my niece. They have two little boys. This past weekend, those two little boys along with my niece, my brother, his other daughter and the nephew that works at that factory helped hauling tobacco all weekend. Those two little boys are saying, Uncle Lincoln, it's good to see you. But I talked to Marty Brown about his earnings. He earned above the \$26,000 last year because he worked overtime. He checked at his factory on the 180 folks who work on that assembly line where he does, 40 of those were extremely disappointed that they were not included in the \$400 tax credit, the child tax credit that he received. On the particular assembly line where he works, there were only two that received it, his supervisor and him. He got the \$800 for his two children. But there were folks who worked with him that did not receive anything. They do not understand. They are hurt. They are disappointed. They are concerned.

The question that I ask is why would I introduce this legislation to instruct the conferees in the House to meet with the Senate to resolve this issue? As a Democrat who voted for the initial \$80 billion child tax credit, I am here appealing to the other side not to leave out those individuals that we included in the \$80 billion tax cost over the 10-year program. Let us at least work with the Senate for this year to make it possible, at least through 2004, to make it possible. That is what the Senate bill does. That is what the initial bill did, was only made it through 2004. The \$350 billion tax cut that was given that had the inclusion of those who would get a child tax credit only goes through 2004. It does not go through 2010 as the tax cut did in 2001.

Let us include, as the President asked us to and as the Senate has passed, a child tax credit for those individuals I am talking about, the 40 of that 180 who work in that one factory in my district, that are disappointed not only in just LINCOLN DAVIS but on the other side as well that they were excluded from the fairness that I think this Chamber has about it and I think this Chamber will and I hope this Chamber will correct it.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I will reserve the balance of the time on this side until the gentleman is down to his last speaker.

Mr. DAVIS of Tennessee. Mr. Speaker, I yield 6 minutes to the gentleman

from Florida (Mr. MEEK). His mother served here in this Chamber for many years, and we are fortunate to have a young man like him that is here today that will be speaking on the child tax credit.

Mr. MEEK of Florida. Mr. Speaker, I thank my colleague from Tennessee for his eloquent opening remarks as it relates to this child tax credit. I think it is very important, Mr. Speaker, that we look at the reason why we are here for the 18th time. One would assume in this country, in this great country of America as it relates to financially challenged families that make under \$26,000 a year and also those men and women that are fighting on behalf of the freedom that we enjoy every day, that we would not even have to come to the floor on their behalf and on behalf of their families to be able to receive a fair share from this government that they look up to.

This issue is not a new issue to this House. As my colleague from Tennessee references, this is the 18th time that Democrats have come to the floor to ask for fair play and equal justice for these individuals. I want to say that this issue as it relates to just months ago, we were here on this floor, Members sat in this Chamber, we voted for this tax credit, we wanted to make sure that every American was able to enjoy it; but until this day, they still cannot. Checks have been mailed out. They have not been mailed out to the low-income individuals in our country. I think it is important that we remember them.

Since we are on the eve of 9/11, I think it is important for me to point this out. I turn on the television, and I am seeing not only Members of this body but also members of the executive branch flying around, draping themselves in the flag, saying that we stand with our military families.

□ 2115

I believe they do, to a certain extent, only when it comes down to their families being able to receive a child tax credit.

Those men and women that are out there in Iraq and Afghanistan, and even here domestically in the United States working with our various military operations, those individuals that are in combat zones are going to receive combat pay. And, guess what? They are going to receive a tax increase due to that combat pay. Will they be able to celebrate a tax credit? No, they will not, not unless this motion to instruct actually passes and we are able to fight on their behalf.

I think it is important for us when we talk about coming together as Americans to make sure that we fight on behalf of 20,000 military families who were left out of the Republican new tax law. I think we should do as the other body has done. They have moved in the right direction to make sure many families, not only in my State of Florida, are able to receive a

tax credit. I think it is important that we do not muddy the water as it relates to what this Congress has done for low-income families.

My colleague from Tennessee mentioned my mother, Carrie Meek, who served in this body, and I am glad I have had the opportunity to follow in her footsteps. She was one that stood for the individuals that we may say are the least of these, hard-working Americans that are just trying to make their way in this free democracy.

I believe America is all about fair play. I believe America is all about individuals receiving their fair share for a hard day's work. But, unfortunately, many times I hear Members rise to their feet when we raise the question of the have's and have not's, and class warfare, and blue collar versus white collar, whatever the case may be.

But this is a perfect example as we are here in this Chamber today for the eighteenth time saying that just because someone makes under \$26,000 a year, that they cannot receive the same credit as those that are at a higher income bracket. Something is fundamentally wrong with that. I think it is important as we are here for the eighteenth time, and I look forward to this hopefully being the last time that we have to come to this floor and to this Congress to ask for justice on behalf of these families.

I cannot help but think of those individuals in Florida and throughout this Nation that have loved ones that are in a tent or out in a field, have sand in their teeth right now, fighting on behalf of this country and standing against terrorism, that we have to come and speak on their behalf, when it should be something that is automatic.

I must say to even those families that are not military families, I want to say it again, these are people that work every day. These are individuals that want to provide for their families every day. These are families working every day. I think it is important that we understand that we are not talking about people that are sitting at home with a bag of Lay's potato chips watching cable television. I think it is important we understand that these are people that punch in and punch out, they are catching a bus, driving their cars. They are paying the same \$2 a gallon for gas as I pay \$2 a gallon for gas.

So I think it is important that they receive the tax credit. I think it is important that this Congress stands up on behalf of these individuals.

Mr. Speaker, I want to commend my colleague from Tennessee for coming to the floor once again and being courageous on behalf of working families in the United States.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from California continues to reserve his time.

Mr. DAVIS of Tennessee. Mr. Speaker, I yield 6 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, this is the people's House. Every single American should be represented here. Unfortunately, the Republican majority has turned this House over to the powerful and the privileged. Week in and week out, the Republican leadership neglects middle and lower income Americans, and there is perhaps no better example of this intentional neglect than the child tax credit.

How many nights will we as Democrats have to come to this floor to fight to provide for 12 million children of low income parents who were neglected by Republicans in their latest tax bill? Unfortunately, according to this morning's Roll Call newspaper, which I have here, we may be forced to continue our fight indefinitely. Why? Well, the chairman of the committee on Ways and Means, who is here on the floor, the gentleman from California (Mr. THOMAS), according to the article, refuses to work out the differences between separate House and Senate bills passed earlier this summer.

I have a quote here from the paper. Senator CHUCK GRASSLEY, the chairman of the conference, "Complained that Mr. THOMAS has been unresponsive to his entreaties to work out the differences between the House and Senate versions of the bill." That is in this morning's Roll Call on the first page.

You see, Mr. Speaker, the Republican leadership just cannot be bothered. These 12 million children do not have any power. These 12 million children are not among the privileged. Therefore, why should the Republican leadership represent them? Why bother? Why can the chairman, the gentleman from California (Mr. THOMAS), not respond to the letter from Senate Finance Committee Chairman CHARLES GRASSLEY attempting to work out differences between bills passed in the two Chambers?

I heard the chairman, the gentleman from California (Mr. THOMAS), say that he was going to address the House later this evening, and I hope he does answer the reason why he has not been responsive to the Senate chairman's letter.

In the article, Chairman GRASSLEY is quoted as saying, "I suppose I could call a conference meeting, but I'm not going to do that unless it is going to be productive. And right now, it doesn't look like it would be."

Chairman GRASSLEY concluded that the only way negotiations would begin was if Republicans felt some heat here on the floor from Democrats.

Well, they are going to get it. We are going to be here every night, and we are going to keep making these motions to instruct, and I commend my colleague for bringing this up.

Again, quoting Republican Chairman GRASSLEY, "The Democrats won't let it be dead, and I don't blame them. If I was them and the majority party wasn't doing something about it, I would make an issue of it too."

Well, I am glad that Chairman GRASSLEY feels that way, because that

is certainly what we are going to do. We demand a response. It is not fair for the Republican leadership to be unresponsive.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would advise Members not to make reference to individual Members of the other body.

Mr. PALLONE. Mr. Speaker, that last sentence that I quoted says it all. House Republicans do not want to help these 12 million children. If they did, the gentleman from California (Chairman THOMAS) would have responded to this letter.

It is also clear that President Bush does not want to help these children either. It has been 99 days since President Bush advised House Republicans to pass this child tax credit legislation and send it to him so he could sign it. The urgency the President showed in June has clearly dissipated. Not once since then has the President urged Congress to send him a bill that would provide these 12 million children a tax credit. If that silence is not an indication of the President's true intentions, I do not know what is.

Mr. Speaker, this is a simple question of fairness. How can Republicans say it is fair to give a millionaire a tax break of more than \$90,000, while giving nothing to millions of working families? Unfortunately, the simple answer is that as long as the Republicans remain in control of this House, we will not see fairness, for the simple reason that fairness can only occur when all Americans are represented, and under the control of the Republican leadership, unless you are part of the powerful privileged elite, your voice will simply not be listened to here.

The SPEAKER pro tempore. Does the gentleman from California continue to reserve his time?

Mr. THOMAS. Yes.

Mr. DAVIS of Tennessee. Mr. Speaker, I yield 6 minutes to the gentleman from Hawaii (Mr. CASE).

(Mr. CASE asked and was given permission to revise and extend his remarks.)

Mr. CASE. Mr. Speaker, I thank the gentleman from Tennessee for his effort tonight, the eighteenth time that the Democrats in this House have tried to do the right thing, the fair thing.

Mr. Speaker, I have been a Member of this House now for 9 months, and I discovered in that 9 months that the issues that I face, the difficult issues that we all face, fall into three categories:

Category number one are the issues that I understand and I agree with, the solutions that are brought forward by this Congress.

Category number two are the issues that I understand, and I disagree with the solutions that are brought forward by this Congress. Those two categories we can all appreciate.

It is category number three that bothers me the most, and that is the category of things that I just do not

understand at all, no matter how long I stay on the floor of this House, no matter how long I listen to the arguments, no matter how long I try to understand what is the motivation of somebody for doing or not doing something.

Now, hopefully over time category number three will diminish with the time that I spend in this House. But I have been in this House now for 9 months, and this issue clearly falls into category number three, and I do not think it is ever going to exit category number three until we pass this child tax credit.

I have tried to understand, why are we not passing this? What is the problem? What is the big deal? What is so hard to understand about the fact that we have 12 million kids that are not covered by this credit, that we have families that are not covered by this credit, that we have poor people that are not covered by this credit, that we have soldiers coming back from overseas that are not covered by this credit?

I get letters from my constituents. I try to understand from my constituents and translate for them what is going on in Congress. Sometimes I can translate and say I understand and I agree, and we all agree on this, or I understand and I disagree. But this one throws me for a loop.

Here is just one of those communications, from a gentleman named Peter Gorham in Hawaii. He writes me, "Dear Representative Case, my wife and I recently adopted two orphans from Kazakhstan. The children are doing well and it is a joy to see them grow stronger every day as they recover from the terrible situation they were in."

"I write you today for this reason: We are shocked to find that our tax refund has been shortchanged by the sudden rescission of the child tax credit."

As you know, adoption costs are very high and the Federal tax credits for adoption and the child tax credit are a welcome relief from a portion of these costs. It is a painful blow to take this from a Congress and administration that has prided itself on spoken words of tax reform, when in fact, the results appear to be the opposite. Please accept the responsibility to work for the reform of these egregious tax laws."

Mr. Gorham, I have no way of explaining to you what we are doing here tonight and what we continue to do, because I do not understand it myself.

Can it be that we do not have the money? That would be a pretty common explanation. Sorry, we cannot apply \$3.5 billion to a child tax credit that is fair after we have already spent multi-billions of dollars on a child tax credit for everybody else. Can that be it? Frankly, I am not sure I have heard anybody say that yet, and how could they say it? We just gave away hundreds of billions of dollars in tax cuts that people that do not need it. We just gave away multi-billions of dollars,

\$500 billion now and climbing, in a deficit that does not seem to matter to anybody.

I guess you could say well, why do we not just add another \$3.5 billion to the deficit. But we do not appear to be ready to do that.

We seem to be ready to spend another \$87 billion on Iraq and Afghanistan that is not even accounted for. And who thinks for one minute that that is the last amount of money we are going to spend in Iraq and Afghanistan? But we cannot spend \$3.5 billion on a child tax credit.

What else can it be? Can it be some rationale in our Tax Code that says somehow low income people should not be helped, whereas middle income people should be and higher income people should be? I cannot see that. I have heard the argument made on the floor. I have heard the argument made well, low income people do not pay taxes, and therefore they should not have a credit. I do not buy that argument. I do not understand it, and I do not think anybody else understands it too.

So what is it? What is the explanation? Why are we sitting here again for the eighteenth time trying to pass something that, to me, makes so much sense, that in the context of what we consider, in the context of who we are trying to help, makes so much sense?

When I walk back into my district back in Hawaii and I say, I wish I could explain this to you in a context that you can understand, I cannot do it.

So I am left with this question, so I ask this question, and I come up with this answer, and this is the best I can do for you: Because they do not want to. Because they do not want to.

It is not a matter of affordability, it is not a matter of tax policy, and it is certainly not a matter of caring about the people that are impacted. This issue has risen above all of that, and it is now just about winning. It is about not giving in. It is about maintaining face, as we call it, keeping face, and that is the wrong reason to not do the right thing.

I urge that we pass this motion and end this, and finish this once and for all.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, I do want to indicate that as to the statements that were made in terms of not understanding some third category as to why certain things have not been done, the gentleman really needs to simply examine the CONGRESSIONAL RECORD.

□ 2130

On June 12 of this year, the House passed a tax relief measure providing tax relief for astronauts, suspending the tax exempt status of designated terrorist organizations, providing tax relief and enhancing tax fairness for members of the Armed Forces. That has passed this House. It passed it in June. But it not only did that, it accelerated the increase in the refundable

child credit. The provision that passed on June 12 cost \$3.5 billion over 11 years.

As the very point of the gentleman from Tennessee (Mr. DAVIS) where he said he cannot understand why it has not been addressed, we have addressed it. I do not happen to know how he voted on the measure, but clearly enough Members of the House were concerned about that child credit provision, were concerned about the members of the Armed Forces, that that measure passed.

It is now over in the Senate. The Senate is the body that has not responded to these concerns.

Mr. Speaker, when we talk about entitlements, as was indicated in the quote from the other body, first of all, the other body is the Chair of the conference on the tax credit. All the other body has to do is simply call for a conference. They can moan, they can groan, they can complain. All they have to do is call for a conference. That call has not been made.

In terms of the reference to the 18th time that we have dealt with this issue, Mr. Speaker, I refer to my statement on the floor in regard to the non-binding nature of this motion to instruct and the tax applicability argument offered by the gentleman from New York (Mr. RANGEL) on page H5340 and H5341 of the CONGRESSIONAL RECORD of June 12, 2003.

Mr. Speaker, I would refer to the statement I made on the floor in response to the motion to instruct offered by the gentlewoman from Connecticut (Ms. DELAURO) on page H6828 of the CONGRESSIONAL RECORD of June 2003. Repeatedly, this motion has failed.

I do want to indicate so that everyone understands that on the 18th try or the 19th try or the 20th try, every page in the CONGRESSIONAL RECORD cost the taxpayers \$575. Quite a sum in terms of showing how many times they are willing to refuse to admit this House passed tax relief for child credit on the amount they stated and aid to armed services.

Mr. Speaker, I yield back the balance of my time.

Mr. DAVIS of Tennessee. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the question I asked is why would I come here for the 18th time. There is a reason. The \$500 or whatever it cost today or whatever it cost for those 18 times, I guarantee the folks sitting back home expect me and expect those of us in this Chamber to be fair with them as well.

As we talk about the 6.5 million lower-income families, this is a comment made today in one of the publications, If it ain't dead, it is doing a pretty good impression, said one Senate GOP aid about the bill which caught fire in June when the media reported that about 6.5 million lower-income individual families had been left out of President Bush's \$350 billion tax cut.

The reference was made that we have not had a conference committee nor a call. On the Senate side the chairman said, "I suppose I could call a conference meeting, but I am not going to do that unless it is going to be productive. And right now it does not look like it would be." We have not gotten a response from them to our letter about the conference that we sent this summer.

As I said earlier, I voted for the \$80 billion tax package on June 12. That included the families I mentioned a moment ago that I personally know and that each of us knows.

Now, when we talk about those folks, we are not talking about Democrats and Republicans; my colleagues have not heard me make reference today to either political party. My hope and my request is that all of us will realize that this is not a Democrat or Republican issue, that really what it is is an issue about people back home who really feel they have been left out. And do my colleagues know something? I agree with them; they have been left out. And I think those of us in this Chamber, when we talk about we have passed the bill, we have done what we should do, we did not do what the President asked us to do. That does not necessarily mean we have to. But he asked that these families be covered with the child tax credit, and the Senate passed a \$3.5 billion bill that did just exactly that. They went above the \$350 billion agreement that they had agreed on, but they still passed that shortly after the \$350 billion tax cut was passed in this Chamber, which reduced dividend earnings to 15 percent and capital gains to 15 percent, I believe. These individuals who work every day, we did not give them anything. We have left them out.

So as we talk about why are we back, in number five of this motion to instruct, "The House conferees shall, as soon as practicable, after the adoption of this motion, meet in open session," and it says please, basically, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the provisions of this instruction not later than the second legislative day after adoption of this motion.

In essence, what we are trying to do is get within a short period of time, perhaps no more than 2 days after passage, a gathering of those folks in the House and the Senate who will compose a conference committee that will reach out, as the Senate has done, to those lower wage-earners who live in our districts. Who do they vote for? Someone voted for me. Someone voted for my opponent. Who did they vote for in anybody else's district? Some voted for Republicans, and some voted for Democrats. This is not an issue about who we are helping, it is who we are hurting; and the ones we are hurting are the low-income families who have children at home and who go to work every day.

My request is that we pass this instruction to the conferees and that we get on with business.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Tennessee (Mr. DAVIS).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. DAVIS of Tennessee. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

# MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. MICHAUD. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. MICHAUD moves:

1. To reject the provisions of subtitle C of title II of the House bill.

2. The House recede to the Senate on the provisions to guarantee access to prescription drug coverage under section 1860D-13(e) of the Social Security Act, as added by section 101(a) of the Senate amendment.

The SPEAKER pro tempore. Pursuant to clause 7(b) of rule XXII, the gentleman from Maine (Mr. MICHAUD) and a Member of the opposing party each will control 30 minutes.

The Chair recognizes the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to offer a motion to instruct conferees on H.R. 1, the Medicare prescription drug bill.

Mr. Speaker, this motion instructs conferees to do two simple things, two things that the House bill does not accomplish: one, it asks them to provide a guaranteed prescription drug benefit for all seniors; number two, it asks them to preserve Medicare as we know it today.

Upon signing the Medicare law in 1965, President Lyndon Johnson said, "Every citizen will be able, in his productive years when he is earning, to insure himself against the ravages of illness in his old age." It says "every citizen." Yet, the bill passed by this body does nothing to guarantee a prescription drug benefit for any citizen and attempts to privatize Medicare in 2010.

The proponents of this bill trumpet choice and competition between private plans as the way to provide the best benefit to Medicare beneficiaries. Yet, the truth of the matter is the only

choice that will be made will be made by private insurance companies choosing not to serve rural areas. In fact, 80 percent of rural Medicare beneficiaries, including all of the State of Mainers, currently live in areas that private insurance plans have chosen not to serve. Yet, this legislation does not contain a fall-back provision. Medicare+Choice has not worked in many areas, including my State of Maine, and there is a very good chance that this drug bill will not work either.

Where does that leave rural Americans? Out in the cold without a benefit. Without a fall-back provision, we are abandoning all rural seniors at a time when they need it the most.

As if the problems with this bill were not enough, it contains a premium assistance provision that aims to privatize Medicare by phasing out the traditional fee-for-service plan and replacing it with a voucher program in 2010.

This harmful provision would force Medicare to compete with private HMOs that will appeal to younger, healthier seniors, leaving traditional Medicare with those seniors who need a more comprehensive benefit. This change in the pool of beneficiaries will cause Medicare premiums to rise and become unaffordable, jeopardizing the long-term viability of the traditional Medicare program and abandoning seniors yet once again.

Do not be fooled by the arguments for premium assistance. It is just another step towards privatization of Medicare and elimination of the only plan available to seniors in areas such as the State of Maine, the traditional Medicare plan. Forcing rural seniors into private plans and making them give up traditional Medicare without a guarantee of coverage is not the right approach and is a disservice to rural Americans, but that is what this bill would actually do.

Like my colleagues who will also speak in support of this motion, I want to pass a real prescription drug benefit; but I will not vote for a plan that hurts America's seniors. Health care coverage is nothing if you do not have access to it. We have a historic opportunity to add a much-needed prescription drug benefit; but without guaranteed coverage, we have failed.

Let us take an important step today and guarantee coverage to all seniors by providing a real prescription drug benefit, not a thinly veiled attempt to privatize Medicare and abandon rural seniors.

Mr. Speaker, I urge my colleagues to vote for this motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in opposition to the motion to instruct, and I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Maine has some very important concerns. It is unfortunate that he has not read the bill. This is the very best bill for rural America that this House has

ever considered. It addresses the problems of rural hospitals, of rural physicians in a way that no preceding bill ever has.

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And that is in part because of bipartisan support that it attracted in the House. It is also true that this bill provides a prescription drug benefit to every citizen, every senior. And it is a disservice to seniors to imply that it does anything else. It provides an entitlement to prescription drugs for seniors, every senior. Secondly, it does not allow plans to discriminate between healthy seniors and unhealthy seniors.

Now, I do not fault the gentleman from Maine (Mr. MICHAUD) for not really understanding this. He is not a member of the committee. He has not been deeply involved in this bill, but if he were involved in this bill, he would know that the administration has now developed ways to risk adjust in 62 different categories, and it is not going to be possible for these plans to select healthy seniors and discriminate against unhealthy seniors. That is an issue of the past.

So this bill does not in any way privatize Medicare. It provides exactly the same program for seniors that we have been providing but a far better program, a programming that meets the challenges of 21st century medicine to manage chronic illness, that meets the challenge of Medicare covering prescription drugs, that meets the challenge that our seniors face in their everyday lives in their battles with chronic illness and their need and desire and health demand for prescription drugs.

This is an extraordinarily progressive modernization of Medicare, and this motion to instruct the conferees in two portions of the bill is extremely misguided, and I urge my colleagues to vote against it. It is important that in Medicare, Medicare control all parts of the plan, fee-for-service and also the plans. We have had those plans for a number of years. All those plans are controlled.

All we want is for seniors to have a strong fee-for-service program, and for seniors to have the kind of choice that the Federal employees have, and that is exactly what this bill provides. But the government controls all the choice plans just like they control all the Federal employee health benefit choices as well. This is a progressive plan.

This is an ill-thought-out motion to instruct, and I urge my colleagues to vote against it.

Mr. Speaker, I reserve the balance of my time.

Mr. MICHAUD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentlewoman from Connecticut (Mrs. JOHNSON) is wrong. This plan does not provide that every senior will have a plan. This plan, all it does is provide the right for an individual to buy a private plan. It does not guarantee that plan.